

RUTHERFORD & CHRISTIE, LLP

NEW YORK

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August 1, 2008

Hon. Frederic Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 08 2008 ★

BROOKLYN OFFICE

Re: Pensionsversicherungsanstalt v. The Estate of Rose Eisinger, et al
Docket No.: 07 CV 05300 (FB) (RLM)

Dear Judge Block:

We represent a defendant, Sonja Rosenbaum, in the captioned matter. We are in receipt of correspondence from the plaintiff's counsel seeking to engage in discovery before proceeding to mediation. We are writing in response to that letter and also to seek a stay of discovery pending our anticipated Rule 12[c] motion to dismiss.

As noted in our July 11, 2008 correspondence to your Honor, we believe that this case should be dismissed for failure to state a cause of action. It seems to be a waste of judicial resources to have the parties engage in discovery while a dispositive motion is being contemplated. A defendant who has a meritorious dismissal argument should not be subjected to discovery. Furthermore, the plaintiff is the party that suggested mediation as a means of resolving this litigation without undue expense to the parties. Now, it seems somewhat disingenuous to request discovery where the plaintiff had repeatedly indicated a desire to resolve this matter without unnecessary costs.

Thank you for your consideration of this matter.

Respectfully yours,

RUTHERFORD & CHRISTIE, LLP

By: _____

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LRS/hj

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